

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
1998 Biennial Regulatory Review – Streamlined	)	
Contributor Reporting Requirements Associated	)	CC Docket No. 98-171
With Administration of Telecommunications	)	
Relay Service, North American Numbering Plan,	)	
Local Number Portability, and Universal Service	)	
Support Mechanisms	)	
	)	
Telecommunications Services for Individuals	)	CC Docket No. 90-571
with Hearing and Speech Disabilities, and the	)	
Americans with Disabilities Act of 1990	)	
	)	
Administration of the North American	)	CC Docket No. 92-237
Numbering Plan and North American	)	NSD File No. L-00-72
Numbering Plan Cost Recovery Contribution	)	
Factor and Fund Size	)	
	)	
Number Resource Optimization	)	CC Docket No. 99-200
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Truth-in-Billing and Billing Format	)	CC Docket No. 98-170

**REPLY TO OPPOSITIONS TO AND COMMENTS ON  
PETITION FOR INTERIM WAIVER**

The United States Telecom Association (USTA),<sup>1</sup> through the undersigned and pursuant to Section 1.45 of the Federal Communications Commission’s (FCC’s or Commission’s) Rules<sup>2</sup> hereby submits its reply to oppositions to and comments on the Petition for Interim Waiver (Waiver Petition) filed jointly by Verizon Telephone Companies (Verizon), SBC

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<sup>1</sup> USTA is the Nation’s oldest trade organization for the local exchange carrier industry. USTA’s carrier members provide a full array of voice, data and video services over wireline and wireless networks.

<sup>2</sup> 47 C.F.R. §1.45.

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Communications Inc. (SBC), and BellSouth Corporation (BellSouth) (collectively the Petitioners) in the above-referenced proceeding.

USTA supports the relief as requested by the Petitioners in their Petition for Interim Waiver – to allow averaging among multi-line business customers for the reductions in the universal service charges to customers of Centrex service, as permitted under the equivalency ratio provided for in Section 54.158 of the Commission’s Rules, and to allow averaging within a class of customers for certain interstate charges that are incurred by only some customers (*i.e.*, primary interexchange carrier (PIC) change charges and presubscribed interexchange carrier charges (PICCs)) – pending the Commission’s action on the Petition of the United States Telecom Association for Partial Reconsideration and Clarification (Petition for Reconsideration).<sup>3</sup> This relief comports with the relief requested by USTA in its Petition for Reconsideration.

USTA responds to oppositions filed by the Ad Hoc Telecommunications Users Committee (Ad Hoc) and WorldCom, Inc. (WorldCom) to the Petitioners’ Waiver Petition. Ad Hoc filed a partial opposition to the Petitioners’ Waiver Petition, addressing only the averaging relief requested for PIC change charges and PICCs and stating that the Petitioners “have not satisfied the well-established standards for waiver of the Commission’s Rules.”<sup>4</sup> More specifically, Ad Hoc claims that the Petitioners have not made a showing to justify waiver of the Commission’s Rules. Likewise, WorldCom claims that the Petitioners have demonstrated no burden to justify averaging relief for PIC change charges and PICCs. USTA maintains that the

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<sup>3</sup> See *Federal-State Joint Board on Universal Service*, Petition of the United States Telecom Association for Partial Reconsideration and Clarification, CC Docket No. 96-45 (Jan. 29, 2003).

<sup>4</sup> Ad Hoc Partial Opposition at 2.

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record already contains sufficient information provided by SBC in its Petition for Reconsideration<sup>5</sup> in order for the Commission to grant this relief and that it is likely that Verizon and BellSouth will provide similar, additional information to justify the relief requested. In addition, WorldCom objects to the averaging relief requested for reductions in universal service contributions for Centrex service pursuant to the Commission's equivalency ratio rule, claiming that such an exemption would "undercut the Commission's goals of promoting competition and transparency because . . . carriers that the Commission allows to average universal service costs across customers will be better able to attract customers with relatively high interstate usage than carriers that must assess surcharges on a customer-by-customer basis."<sup>6</sup> Yet, the Petitioners are simply requesting that the Commission reaffirm the good public policy that it previously developed with regard to its Centrex equivalency rule and that it consistently apply such policy to its interim universal service contribution methodology as it clearly contemplates continuing such policy for the long-term, connections-based contribution methodologies that it is considering and may adopt in the universal service contributions proceeding.

USTA also addresses matters raised in the comments of Sprint Corporation (Sprint) in response to the Petitioners' Waiver Petition. Sprint requests that carriers should be permitted to average costs across a customer class to address universal service contributions associated with services, other than those identified by the Petitioners, which are only incurred by some members

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<sup>5</sup> See *Federal-State Joint Board on Universal Service*, Petition for Reconsideration of SBC Communications Inc., CC Docket No. 96-45 (Jan. 29, 2003) at 6 ("a preliminary estimate is that 4,000 man-hours will be required to complete the necessary programming changes in the Ameritech region along, and we expect similar workload requirements in the other four SBC ILEC regions").

<sup>6</sup> WorldCom Opposition at 3-4.

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of a customer class.<sup>7</sup> USTA does not object to a Commission grant of such an averaging request of other carriers for needs other than those elaborated by the Petitioners in their Waiver Petition or USTA in its Petition for Reconsideration if the Commission finds such a request serves the public interest. Certainly the Commission should consider such a request as it considers the averaging requests of the Petitioners and USTA. Finally, Sprint requests that any waiver granted in this matter should apply to all local exchange carriers.<sup>8</sup> USTA agrees that all carriers that are similarly situated and that experience any of the problems on which any waiver request has been made and granted should be treated similarly and provided the same relief.

Respectfully submitted,

**UNITED STATES TELECOM ASSOCIATION**

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<sup>7</sup> See Sprint Comments at 2.

<sup>8</sup> See *id.*

USTA Reply to Oppositions and Comments  
to Petition for Interim Waiver

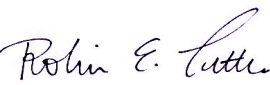
CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200,  
95-116, 98-170 and NSD File No. L-00-72

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of USTA's Reply to Oppositions to and Comments on Petition for Interim Waiver was served on this 26<sup>th</sup> day of February 2003 by electronic delivery or first class, postage prepaid mail to the persons listed below.

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